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3

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,428	09/26/2003	Teow Beng Hur	82533	8193
20529	7590	05/22/2006		
NATH & ASSOCIATES 112 South West Street Alexandria, VA 22314			EXAMINER HORTON, YVONNE MICHELE	
			ART UNIT 3635	PAPER NUMBER

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/671,428

Applicant(s)

HUR, TEOW BENG

Examiner

Yvonne M. Horton

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application. .
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 11-17 is/are rejected.
- 7) ☒ Claim(s) 4-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over US Patent #6,273,393 to McCOY. McCOY discloses a formwork (figs 1-3) and (50,52) including a support structure including a platform (16) defining a surface to cast, column 3, lines 60-63, and a sub-structure (24,47) supporting the platform (16), a plurality of side forms (12,32) positionable on the platform (16) at an underside thereof such that each side (12,32) is braced by at least one brace (10,54) having an adjustment means (18,20). As per column 4, lines 54-58, the side forms (12,32) inherently define sides of the panel being cast. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the side forms/ledgers (12,32) of McCOY define the sides of the panel/road being formed. In reference to claim 2, each brace (54) structure includes an abutment (64) and a strut (22) extending indirectly from the side forms (12,32). Regarding claim 3, the adjustment means (18,20) includes a threaded bore (20) and shaft/strut (18) received within the bore (20) for rotation within the bore (20) thereby causing adjustment of the form (50,52).

Claims 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #6,273,393 to McCOY. Regarding claim 12, the sub-structure (47) of McCOY is an I-beam that provides support to the platform (16) through the bracket assembly (54).

In reference to claims 13 and 14, the platform (16) and side forms (12,32), being flat/planar, impart a flat/planar/straight shape onto the surfaces of the panel being cast. Regarding claim 15, the height of the McCOY framework system the bracket (54) being capable of adjustment is a modular extension bracket (54) used in conjunction with the side forms (12,32) and the platform (16) to define a mould.

Claims 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #6,273,393 to McCOY. As detailed above, McCOY discloses a formwork system (figs 1-3) and (50,52) including a sub-structure (24,47). The sub-structure (47) of McCOY being "I-beams", column 3, line 67, are considered as "I-channel" members in the art.

### ***Claim Rejections - 35 USC § 103***

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,273,393 to McCOY. As detailed above, McCOY discloses the basic claimed invention except for detailing that the sets of forms may have varying heights. Although McCOY is silent in this regard, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select form heights suitable for the use intended as an obvious matter of design choice. For instance, if the form were being used to form a stepped pyramid-type structure for children to climb on, a form set could be provided on each side of the peak of the pyramid and each progressive or stepped incline of the pyramid could have a different height and width. Furthermore, due to the fact the a form includes at least a set of two bracket members each with it's own adjustment member, it would have also been obvious to one having ordinary skill in the

art at the time the invention was made that one threaded member can be adjusted to one certain height when another adjustment member can be adjusted to another height thereby creating a sloped or perhaps stepped configuration.

***Allowable Subject Matter***

Claims 4-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are moot-in-part in view of the newly revised ground(s) of rejection.

However, with regards to the applicant's argument that due to the fact that McCOY defines his side forms as "ledgers" they are just that and are not side forms. Forms of the type disclosed by McCOY are old and very well known in the art. Although McCOY uses a different term to define his side members, it remains obvious to one having ordinary skill that the members (12) and (32) form the sides of the structure being defined.

In reference to the applicant's argument that the brackets (54) of McCOY are embedded permanently within the concrete, the examiner disagrees. As per, column 4, lines 54-58, clearly the sides/ledgers (12,32) and brackets (54) are removed and are not a part of the permanent structure.

Regarding the applicant's argument that McCOY does not define how the sides of his structure are formed, the examiner agrees. However, it is clear to one having

Art Unit: 3635

ordinary skill in the art that not only does the elements (12,32) of McCOY serve as supports, the have a dual purpose in that as the brackets are adjusted upward/downward (obviously more upwardly) the members (12,32) aid in defining sides of the resulting structure.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YMH  
Art Unit 3635  
05/18/06

